IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

WP(C).No. 2638 of 2007(L)

PETITIONER:

N.RAVINDRAN PILLAI,
S/O.NARAYANAN THAMPI, POORATHIL THEKKETHIL,
VATTEKUNNAM, EDAPPALLY NORTH P.O.

BY ADV. SRI.K.JAGADEESCHANDRAN NAIR
SMT.DIVYA C BALAN

RESPONDENTS:

1. M.NANDAKUMAR, COUNCILOR WARD NO.10,
RESIDING AT USHUS, CHANGAMPUZHA NAGAR,
NEAR FATHIMA CHURCH, COCHIN-33, KALAMASSERY
MUNICIPALITY, ERNAKULAM DISTRICT.

2. STATE ELECTION COMMISSION,
CORPORATION OFFICE COMPLEX, LMS COMPOUND,
PALAYAM, TRIVANDRUM 695033.

3. KALAMASSERY MUNICIPALITY
REPRESENTED BY SECRETARY, MUNICIPAL OFFICE,
KALAMASSERY P.O.

R1 BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI
SRI.V.K.SREENATH
SRI.A.SAMEER
R2 BY ADV.SRI.MURALI PURUSHOTHAMAN, SC.
R3 BY ADV.SRI.M.K.ABOOBACKER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.2638 OF 2007

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DATED THIS THE 7TH FEBRUARY, 2007

J U D G M E N T

W.P.(C)No.34626 of 2006 in which Ext.P4 judgment was passed by me was an identical case. The reasons mentioned in Ext.P4 will hold good in this case also. A counter affidavit has been filed by the 1st respondent and that counter affidavit raises contentions similar to those raised by the 1st respondent in Ext.P4 case. Having regard to the reasons stated by me in Ext.P4 judgment, I am of the view that this Writ Petition also is liable to be disposed of passing the very same directions which were issued in Ext.P4.

The Writ Petition is disposed of directing the Election Commission to dispose of Ext.P3 within two months of receiving copy of this judgment. There will be a further direction that till such time as Ext.P3 is disposed of, Ext.P2, in so far as it pertains to the petitioner, will be kept in abeyance. I make it clear that I have not expressed any opinion on the grantability of Ext.P3 application and that decision will be taken on that application by the Election Commission on its merits, taking into account the considerations which normally weigh with courts while deciding applications to set aside ex parte orders or decrees.

(PIUS C. KURIAKOSE, JUDGE)

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